

FORM 1B. WAIVER OF SERVICE OF SUMMONS

TO: Michael C. Donahue, P.C.

I acknowledge receipt of your request that I waive service of a summons in the action of Elizabeth Troiani Plaintiff v. City of Somerville, et al. Defendant, which is case number 04-10639 RWZ in the United States District Court for the D. Mass.. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if I do not answer or motion under Rule 12 is not served upon you within 60 days after April 15, 2004, or within 90 days after the date if the request was sent outside the United States.

May 6, 2004
Date

David F. Shapiro

Signature

Printed/Typed name: David F. Shapiro
Assistant City Solicitor BBB Adj. S65564
[as Attorney on behalf]
[of the defendant]

City of Somerville
Captain Daniel Matthews
Sergeant John Aufiero
Officer Daniel Rego